

Saguache County Board of Commissioners met in regular session
Tuesday, April 8, 2008 with the following present:

Sam Pace, Chairman
Linda Joseph, Vice Chairman
Mike Spearman, Commissioner
Ben Gibbons, County Attorney
Wendi Maez, Co-Administrator
Lyn Zimmer, Co-Administrator
Melinda Myers, Secretary and Clerk to the Board

Meeting called to order by Chairman Pace at 9:10 A.M.

Under Additions or Deletions to the Agenda:

1. Add Executive Session to Administration report

Spearman moved to approve the agenda as amended. Joseph seconded the motion. The vote was three Ayes.

Reading and approval of minutes:

Joseph moved to approve the minutes of March 18, 2008. Spearman seconded motion. The vote was three ayes.

Review of Mail:

1. **Ken Jacobson**, Chief, Colorado West Regulatory Branch Department of the Army U.S. Army Engineer District, Sacramento Corps of Engineers, sent a copy of a response to Pete Porthole concerning an Army permit for the Prochold Bank Stabilization located on or near Cochetopa Creek within Saguache County. Work must comply with the information listed in this letter. (3/31/08)
2. **CCI**, Annual Summer Conference, June 9-11, 2008 Eagle County, Colorado (3/28/2008)
3. **Blue Peaks Development Services, Inc**, Alamosa, Colorado, Replying about the FY2008 Funding-\$4,350.00. "We would like to take this opportunity to thank you for your continued support of our consumers and our mission within our community. We would appreciate your considering this letter as our official request for your disbursement of these funds." (3/36/08)
4. **Kim Weis, Villa Grove**, "In response to your letter I received on March 20, 2008. I would like to thank you for your assistance in diverting the water away from our residence. I do not feel that I owe for the berm that was constructed by the County. When the dirt work was being done, no one mentioned that any expenses would be charged or was it ever discussed who would pay." (3-26-2008)
5. **Frances Valdez, South-Central Colorado Seniors, INC**, Alamosa Colorado, "Allow me this opportunity on behalf of seniors and South-Central Colorado

Seniors to say THANK YOU for the confidence placed in us. I respectfully request the funding allocation of \$9,580 as per San Luis Valley Commissioner Association letter dated January 25, 2008.” (4-3-08)

6. **George K. Baum & Company**, Denver, Colorado Investment Bankers
7. **Biological Control of Weeds, Inc**, Bozeman, Montana, Sent 2008 info packet.(4-3-2008)
8. **Justice and Safety Center Stratton 50 , Eastern Kentucky University**, Richmond, KY, The Justice and Safety Center at Eastern Kentucky University recently sent your organization the Training Needs Assessment: Rural Domestic Preparedness survey.(4-3-08)
9. **Denver Regional Council of Governments**, Denver, Colorado Please join us for the first annual Colorado Communicators Conference, April 10-11, 8am to 5pm each day(4-3-2008)
10. **Colorado Community Revitalization Assoc.**, Denver, Colorado, Downtown Colorado’s Home For Education, Information, Advocacy & Collaboration (4-3-2008)
11. **The Upper Arkansas Water Conservancy District** sent a Tentative Agenda for their Enterprise Committee Meeting to be held April 10, 2008 at 1:00 p.m. in Salida. The Upper Arkansas Water Conservancy District also sent a Tentative Agenda for Board of Directors’ Meeting to be held April 10, 2008 at 1:30 p.m. in Salida. (4/07/08)
12. **Dave Miller**, President Natural Resources Company, sent a copy of a letter that he sent to the Bureau of Reclamation in Montana and Colorado concerning Public Critique of Southern Delivery System Draft Environmental Impact Statement dated February 2008. (4/07/08)
13. **Rebie Hazard**, update on the Upper Gunnison Water Conservancy District update. (4/7/08)

Introduction of Guests: Doug Larsen – Crestone Eagle; Tim Lehman, Ted Harter & Phil Phelps – Iola Powderhorn; Erin Minks – Representative for Congressman Salazar; Andrew Archuleta, Tom Malecek, Mike Blankemen & Laura Archuleta –BLM /USFS; Kairina Danforth – Mayor Pro-tem Crestone; Sharon Ray, Kathryn Van Note, Esther Grant – SLV Citizen Alliance; Chuck Grant – Water Watch Alliance & POA Board; Lisa Cyriacks - CBPC; Rick Barandes, May Inquest, Tamar Ellentuck – SLVWPC; Yvonne Handshaw; and Jerry Bertin.

Commissioners’ Reports-Updates of Meetings:

Linda Joseph reported:

- March 18-20 - Democracy School, covering governmental history over the past 1,000 years and overview of home rule municipalities and counties.
- March 24 Crestone/Baca Annexation/Home Rule meeting to explore the values and perceptions of the communities to identify common ground.
- March 25 Orientation day for Kenny Bertin, WSB for webmaster/host role, with Joseph for overview and transition steps, and Admin on webpages for Commissioners, Economic Vitality, History, Holidays, Land Use/Oil & Gas; and visited Depts. Regarding their IT service needs:

Library, Social Services, Road & Bridge, Nursing/Public Health/Food Bank, County Clerk. He is pursuing saguachecounty-co.gov as our official domain.

- March 27 SLV RETAC review and scoring of grant applications to the State. Two from Saguache County: Baca Grande for equipment; Northern Saguache for a vehicle.
- March 31/April 1 - Attended COGCC Hearing to present County's protest on extension variance application by Lexam for permits on Wells 5/6.
- April 4 Friends of the Library meeting to plan bake sale and book bag sale event on April 19 during National Library Week. Donated red canvas bags with Public Library logo will be sold for \$5 empty or \$10 with books for sale.
- April 7 County Master Plan Citizen Advisory Council meeting to review results of Center forum.

Sam Pace reported:

- March 20 – Attended South Central Seniors meeting, Daniels Grant has been sent.
- Met with the Town of Crestone, they would like to protest the BLM Oil and Gas Leases. They have an example of a protest. Board will discuss it during the Attorney report.
- Spoke with Kim Weiss and will discuss it further during Road and Bridge report.
- Attended the Democracy school.
- March 7 – Attended Master Plan meeting.
- Attended the hearing at the COGCC for the Lexam wells. The COGCC granted the variance request to Lexam, which extends the time period for wells 5&6 for another year but in an unprecedented move also added more conditions to the existing permits.
 1. The permits will only be for exploration and testing. No production or flaring etc. will be allowed.
 2. Any conditions that are added to the EA or an operating plan that comes from the NEPA process that are within the COGCC's jurisdiction or related to public health, safety, welfare or the environment will also be added as conditions to the permits.

During testimony Lexam indicated they would be willing to use low sulphur diesel and the quieter generators etc. They did not want to drill from one pad and this was not required here but will be if it comes out that way from the NEPA process.

- Attended the CCI Steering Committee meeting. A new severance tax proposal is being put forth. It would appear that if a county receives Federal Mineral lease payments it is taken off the PILT payment. Opposed some voting machine bills. HB1368 exempts solar installations from taxes – Saguache needs to research this further. Presentation on transportation funding – HUTF funds are decreasing due to high prices and more fuel efficient cars.

<p>Spearman moved to send a letter of support for House Bill 1164 for incentives to develop solar plants. Joseph seconded the motion. The vote was three Ayes.</p>

- Had a request to support HB 1164 to consider the carbon footprint of any energy proposal which would have the effect of promoting solar projects.
- Met with the USFS/BLM on public land issues especially concerning the entrance to the Sand Dunes Park at the end of Two Trees road.

Mike Spearman reported:

- March 24th – Attended annual meeting for DRG – the Sun Station has been purchased and will be set up soon, with Saguache as one of the possible sites.
- March 27 th - Attended Oil & Gas meeting in Del Norte, regarding O&G leases on BLM and Forest Service
- March 31st - Attended All Hazards meeting
- April 3rd and 4th attended CSU Outreach Advisory Board and will be going to Washington DC with CSU Outreach Board on April 27th for the Public Issues Leadership Development Conference & to visit with Congressmen and Senator.
- Received letter from Gilpin County regarding Cluster Development, forwarded to Wendi.
- Set Trails meeting for April 17th at Manitou Foundation office at 1:00-3:00 pm.
- Kept in touch with Director Newsom during her time spent with Alamosa Public Health Salmonella crisis.

Lynn Zimmer and Wendi Maez - CO-Administrators:

- Attended a District County Administrators meeting in Walsenburg. Will be attending Ethics training in Denver on April 9 & 10, 2008.
- CSBG 2008 Contract was signed.
- Purchase of the postage machine will be paid out of the Treasurer's capital outlay. The amendment to the Treasurer's budget will happen at year's end.
- The bill from Pahl Architecture for \$4,875 has been determined that it was for services that were rendered and the County feels that this amount is not owed.
- Attorney Gibbons is working on the cell phone usage policy. Administration is looking into getting cell phones for Commissioners.
- County Building Maintenance Policy was signed. Report from Tom Blunt, Veteran's office was signed by the Board.
- The support letter to Greg Good from OLT has been sent.
- IS-300 training is mandatory for Commissioners, and will be offered in Gunnison June 2-4, which conflicts with our first BOCC meeting. Joseph has inquired as to whether the training might be offered in the SLV, or other Colorado location this year.
- The CCI Winter Conference will be on December 1-3 this year, conflicting with the 1st BOCC meeting that month.
- Week of June 23 COGCC rulemaking sessions, Administration will get more information.
- Deb Phenecie as a possible consultant does not need to be put up for bid.
- Follow-up on Lexam Emergency Plan sample has been requested from Jack Clark.

Spearman moved to enter into Executive Session at 10:37 A. M. for personnel purposes under CRS 24-6-402(4)(f)(I) and for legal purposes under CRS 24-6-402 (4)(b). Joseph seconded the motion. The vote was three Ayes.

Joseph moved to return to regular session at 10:53 A. M. Spearman seconded the motion. The vote was three Ayes.

Break

Wendi Maez - Land Use Administrator:

Spearman moved to reappoint Christian Dillo Lisa Cyriacks, Diane Dunlap to the Commission and Dave Churibuka and Bill Folk as alternates. Joseph seconded the motion. The vote was three Ayes.

- Crestone/Baca Planning Commission appointments – Christian Dillo, Lisa Cyriacks, Diane Dunlap and Dave Churibuka are up for reappointment this year. These are members that are already on the Commission and would like to be re-appointed. Dave Churibuka is the BGPOA rep at the present time and Diane Dunlap is the alternate. The BGPOA would like to have Dave and Diane change positions and have Diane be the regular member and Dave as the alternate. Maez says both of these members have been great assets to the Board. Keith Teahen has been an alternate but has missed several meetings recently and have not heard from him requesting re-appoint, but William Folk has expressed an interest to be appointed to the Board, Folk is also a member of the Tourism Council and the Master Plan Advisory Council.
- Maez has researched the request from Joyce Weis about the 2 Mobile Home Estates lots that the property owners would like to donate to Saguache County. The BGPOA dues are current on both lots. Lot 229 has had the tap fee paid and Lot 228's tap fee has not been paid. Maez will get information on if the tap fees will be intact and if the county would be responsible for the POA dues.
- Signed the Quit Claim deed from Saguache County to Tom Herod and Allene Evans. This is a trade lot to trade for Chalet One Lot 4140 for Herod/Evans' Mobile Home Estates Lot 128.
- In the fall of 2007 we approved a Solar Farm for Bruce and Paula Dawson and CE Acquisitions. I have received written notice from the Dawson's, the landowners to withdraw the Conditional Use application approval.
- The DOLA planning grant between Saguache County and the Town of Crestone has been sent.
- The Master Plan meeting yesterday was a disappointment as there was no draft Master Plan to review. The Northwest side of the County is missing from the maps. Maez will send a letter to Rock Creek Studio instructing them on the scope of work and what is left to complete.

Ben Gibbons - County Attorney:

- Drafting the BLM protest letter to the Oil & Gas lease, due by April 23. Discussion on the precedence of other protests and waiver of restriction issues. Gibbons will research and incorporate applicable facts.

- Government continuation plan in the case of Commissioners absence needs to be drafted.
- Coyote bounty issue needs to be clarified, Gibbons will research.
- Got a call from the Attorney General's office regarding Hwy 114 Hazmat issue, informing the County that we have no authority to regulate commerce on State highways.
- The Cooperating Agency agreement with USFWS has come back approved, but without suggested amendments. Pace suggested that Gibbons ask for the inclusion of language that doesn't concede the County's jurisdiction.
- Will research Home Rule

Melinda Myers – Saguache County Clerk:

Spearman moved to approve the Liquor License renewal for Billy's Tavern & Hooper Liquor Store. Joseph seconded the motion. The vote was three Ayes.

- Liquor License Renewal, Billy's Tavern & Hooper Liquor
- Resolution to close Clerk's office on election days for 2008.
- Request for a meeting with Board and Elected officials at the next meeting.

Adjourned for lunch at 12:02 P.M.

Meeting reconvened at 1:06 P.M.

Randal Arredondo – Road & Bridge Supervisor:

- **Tim Lehmann** - Iola Powderhorn Stock Growers - Co. Rd. 1TT has a section which is unmaintained and travels thru the Iola Powderhorn property. The BLM is closing the connecting section on public lands, so the request is for the County to abandon the section on their land since there will not be any public access beyond. They are concerned that the public will park on their land to walk onto the public land.
- Letter from Kim Weis on County Road GG – Weis opinion is that there was no mention of cost to her for the dirt work. The issue has brought up the need to form a policy for written agreements upfront with landowners. Attorney Gibbons will draft a response letter that the County is not liable for the work done on her property.
- Purchase of new Whitzzo Low – Boy trailer for equipment hauling.
- Met with USFS/BLM for the County to assist on roads going to the public lands.
- Has instituted a cell phone use policy for his department.
- Asked about a ditch user rights and responsibility public service notice.
- Administration and Arredondo met with Jim Kint about the roads in Sargents area, which need more gravel. Arredondo will keep an eye on these roads and see if they need help later in the year after the snow melts. Marshall Pass Road is in need of repair, but it is a Forest Service road.
- Sand and sandbags have been dropped off in Villa Grove, Crestone, and Saguache for flood protection.
- Arredondo and Pace will meet with Park Service personnel at the end of Camino Del Rey to discuss the new road into the National Park and Forest Service lands and proposed USFS parking area.

- Crestone Town Clerk has asked Arredondo to attend a meeting with the Town and USFS/BLM and some engineers regarding North Crestone Creek.

Break

Andrew Archuleta – U. S. Forest Service/Bureau of Land Management

Gave a presentation on the leasing process of BLM oil & gas sites. Questions from the Board and public were addressed by the Forest Service/BLM personnel present.

Sales Tax Grant – first round of review and discussion

Bill Paying

<p>Joseph moved to adjourn at 5:24 P.M. Spearman seconded. The vote was three Ayes.</p>
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Respectfully Submitted,

Melinda Myers Secretary to the Board of County Commissioners

Minutes Approved April 15, 2008

Chairman of the Board

Attest

Commissioner

Commissioner